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Attorneys for Defendant
RETAIL DECISIONS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CYBERSOURCE CORPORATION,

Plaintiff,

v.

RETAIL DECISIONS, INC.,

Defendant.

Case No. 3:04-CV-03268-MHP

**STIPULATION AND PROPOSED
ORDER REGARDING CLAIM
CONSTRUCTION AND SUMMARY
JUDGMENT DEADLINES**

1 Subject to the Court's approval, Plaintiff CyberSource Corporation and Defendant Retail
 2 Decisions, Inc. (collectively, the "Parties"), by and through their respective attorneys, hereby
 3 stipulate that, in order to accommodate counsel's travel schedules and the efficient briefing of the
 4 issues discussed below:

5 1. In connection with ReD's motion for summary judgment of invalidity as discussed
 6 at the October 6, 2008 hearing in this matter (as to which no previous extensions of time have
 7 been made):

- 8 • ReD's motion, presently scheduled to be submitted on January 12, 2009, will be
 9 submitted on January 26, 2009;
- 10 • CyberSource's response, presently scheduled to be submitted on January 26, 2009,
 11 will be submitted on February 16, 2009; and,
- 12 • Subject to the convenience of the Court, the hearing relating to this motion
 13 presently scheduled to take place on February 2, 2009, will be moved to February
 14 23, 2009, or such other time as the Court directs.

15 3. In connection with the current deadlines for claim construction identified below
 16 (as to which there have been prior extensions):

- 17 • The claim construction discovery deadline presently scheduled for January 30,
 18 2009, will be changed to February 6, 2009;
- 19 • CyberSource's opening claim construction brief, currently due February 6, 2009,
 20 will be filed by February 13, 2009;
- 21 • ReD's responsive claim construction brief, currently due February 20, 2009, will
 22 be filed by February 27, 2009;
- 23 • CyberSource's reply claim construction brief, currently due February 27, 2009,
 24 will be filed by March 6, 2009; and
- 25 • Subject to the convenience of the Court, the claim construction hearing presently
 26 scheduled to take place on March 6, 2009, will be moved to March ¹⁹~~14~~, 2009, or
 27 such other time as the Court directs.

1 4. Pursuant to Local Rule 6-2(a)(3), these time modifications would have no other
2 effect on the schedule for the case.

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5 Dated: December 23, 2008

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8
9 By: /s/ Marc J. Pernick

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11 Attorneys for Plaintiff
CYBERSOURCE CORPORATION

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13 Dated: December 23, 2008

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18 By: /s/ J. Steven Baughman

19 J. Steven Baughman

20 Attorneys for Defendant
RETAIL DECISIONS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/5/2009

HON. MARILYN H. PATEL

UNITED STATES DISTRICT JUDGE



1 I, J. STEVEN BAUGHMAN, am the ECF User whose ID and password are being used to
2 file this STIPULATION AND PROPOSED ORDER REGARDING CLAIM CONSTRUCTION
3 DEADLINES. In compliance with General Order 45, X.B., I hereby attest that MARC J.
4 PERNICK has concurred in this filing.

5 Dated: December 23, 2008

ROPES & GRAY LLP

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7 By: /s/J. Steven Baughman
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